

Opening Statement
Ranking Member Alan Lowenthal
Subcommittee on Energy and Mineral Resources Legislative Hearing on the

Discussion Draft of the Combined Onshore-Offshore Republican Drilling Bill

November 7, 2017

Thank you, Mr. Chairman, and thank you to the witnesses for being here.

I would like to start out by discussing what I think were some unfortunate comments and behavior at the hearing that we had on the discussion draft of the onshore bill.

At this hearing, the chairman of the full committee berated the witness invited by the Minority.

While I have great respect for the chairman, he was mistaken and the witness was right. But I'll get back to that in a minute.

We disagree on many issues here. We agree on many as well, but when it comes to oil and gas development on federal lands there are a number of fundamental disagreements between our two sides.

And there is nothing wrong with that.

But I would hope that we would still treat each other, and the witnesses that we invite to these hearings, with respect.

Difficult questions are fine. Trying to expose flaws in someone's argument is fine. But not giving them the opportunity to respond – that's not fine.

Policy debates should not simply be about who gets the most worked up and who can speak the loudest. Ideally, but all too infrequently, they should be about the truth.

We might disagree on how we should react to that truth. Or on what steps should be taken next. But we should at least try to determine, and listen to, the truth.

Getting back to the issue from the last hearing, which is relevant today as well – the question is whether or not this bill waives the National Environmental Policy Act by giving permitting authority to the states.

The point that some Members of the Majority were trying to make in the last hearing, including the Chairman, is that NEPA analysis was already done when making areas available for lease, and simply letting the states permit wells would not involve any waiving of NEPA, or unapproved environmental disturbances.

However, that's not correct.

Because the bill gives the states the authority to not just permit the well itself, but to also approve what is called the surface use plan of operations – these are the impacts on the surface itself. That's where the problem comes in.

That surface use plan includes where the roads will be, the size and location of the drilling pad itself, as well as waste pits, and every other physical impact.

It is analyzing those impacts through NEPA, and the Endangered Species Act, and the Historic Preservation Act, and making sure that the impacts are compatible with other uses of the land – that is what is being waived under this bill.

That is what the Bureau of Land Management spends its time analyzing, and the states don't.

So you have a choice: waive NEPA, the ESA, the NHPA, and the concept of multiple-use so states can approve surface use plans quickly, or say you still want all of laws adhered to, and realize that states would then take just as long as the BLM to approve permits.

I for one do not believe we should waive those laws, nor am I convinced that permitting speed is a problem we should be worried about.

And I certainly do not believe it should rise to the level of obsession that the Department of the Interior has shown.

Companies hold nearly 8,000 approved permits they're not using.

The number of pending permits is as low as it has been since BLM started reporting the data 12 years ago.

Oil production on federal lands was up 78 percent under President Obama.

We are exporting nearly two million barrels of crude oil a day because we quite frankly have a glut of it.

Low oil and gas prices are causing companies to retrench, with rig counts going down for 5 straight weeks.

All of this argues against the need for an all-out effort to speed up permitting and leasing, yet that's what we're discussing in this bill.

Meanwhile, the impacts of climate change are becoming more apparent, and more severe. Yet on that front we are doing nothing, and the Department of the Interior is even scrubbing the concept from their strategic plan.

This bill does nothing to help solve the real energy problems we're facing today, and that's why I'm joining Ranking Member Grijlava to introduce the comprehensive and forward-looking Sustainable Energy Development Reform Act next week.

I thank the witnesses again for being here, and I yield back the balance of my time.